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EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Report of the Secretary-General

Introduction

1. In paragraph 22 of its resolution 1996/22, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the Commission on Human Rights requested the Secretary-General to report to it at its fifty-third session on measures taken to implement the resolution and on obstacles to its implementation. The present report has been prepared in accordance with that request.

I. ISSUES DEALT WITH BY RESOLUTION 1996/22 REQUIRING ACTION BY THE SECRETARY-GENERAL OR THE HIGH COMMISSIONER FOR HUMAN RIGHTS

A. Financing and adequate staff and information resources for the operation of the human rights treaty bodies (para. 2 of resolution 1996/22)

2. The Commission on Human Rights emphasized the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and with that in mind: (a) reiterated its request that

the Secretary-General provide adequate resources in respect of each treaty body; and (b) called upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services.

3. In this connection, the attention of the Commission on Human Rights is drawn to the relevant information contained in Section I.A of the report of the Secretary-General to the General Assembly on this matter (A/51/425).

4. In addition, it may be noted that the new management structure based on three management units, which was referred to in the Secretary-General's report, was put in place as from 30 September 1996. All Secretariat activities supporting the treaty bodies and the Commission on Human Rights as well as the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and related working groups were grouped in Management Unit II (Support Services Branch). One of the purposes of the restructuring is to increase cooperation between the different parts of the human rights programme and to arrive at a more rational use of personnel resources which have been considerably reduced for each and every sector of the Secretariat under the budget of the United Nations for the biennium 1996-1997.

5. It may be noted also that the full-text information retrieval and database system initially developed for the Convention on the Rights of the Child has recently been expanded and made operational with respect to other human rights treaties even though not all the data entry and downloading of full-text documents have been completed. In addition, office space with appropriate electronic equipment has been made available within the Centre for Human Rights to treaty body experts as from November 1996.

B. Notifications of the acceptance of the amendments approved by the States parties and the General Assembly in respect of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 4 of resolution 1996/22)

6. It may be recalled that, in accordance with the amendments adopted by the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as endorsed by the General Assembly in its resolution 47/11 of 16 December 1992, the activities of the Committee on the Elimination of Racial Discrimination and the Committee against Torture have been financed under the regular budget of the United Nations since January 1994.

7. As at 1 December 1996, 20 States parties of the 86 required for the entry into force of the amendment to the International Convention on the Elimination of All Forms of Racial Discrimination and 20 States parties of the 45 required for the entry into force of the amendment to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had notified the Secretary-General that they had accepted the amendments.

C. Final version of the interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system (para. 8 of resolution 1996/22)

8. The Commission on Human Rights requested the United Nations High Commissioner for Human Rights to encourage Mr. Philip Alston, the expert appointed to undertake the study, to finalize his interim report in time for the final report to be considered by the Commission on Human Rights at its fifty-third session. In November 1996, Mr. Alston indicated that the final report would be submitted in accordance with the Commission's request.

D. Revised version of the Manual on Human Rights Reporting (para.9 of resolution 1996/22)

9. The Commission on Human Rights requested the High Commissioner for Human Rights to ensure, from within existing resources, that the revised United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the 5th meeting of the persons chairing the human rights treaty bodies.

10. Action has been taken to revise the Manual on Human Rights Reporting and to include in the revised version a chapter on the Convention on the Rights of the Child, as requested by the persons chairing the human rights treaty bodies. Treaty body experts have been consulted with respect to the revision of the Manual.

11. The revision and updating of the Manual have been undertaken by the High Commissioner/Centre for Human Rights in collaboration with the International Training Centre of the International Labour Organization in Turin, Italy. The Manual has been developed into a training package composed of four distinctive elements: the Manual, a trainer's guide and its annexes, including training tools, and a pocket guide for participants in training courses. The revised Manual is scheduled to be published in 1997.

E. Provision of advisory services and technical assistance to help States parties to comply with their obligations under human rights instruments at the request of the States concerned (para. 15 (b) of resolution 1996/22)

12. The Commission on Human Rights requested the High Commissioner for Human Rights to continue to provide advisory services and technical assistance at the request of the States concerned, and whenever possible in cooperation with other relevant agencies.

13. It may be noted in this connection that the chairpersons of the human rights treaty bodies at their 7th meeting, held from 16 to 20 September 1996, recommended that treaty bodies be as specific as possible in elaborating concluding observations on State party reports involving recommendations for technical assistance to be made available by the High Commissioner/Centre for Human Rights to the State concerned.

14. Recent activities of the High Commissioner/Centre for Human Rights in the field of technical assistance to States as a follow-up of human rights treaty bodies' recommendations included: (a) a needs assessment mission to Viet Nam in March 1996 to implement the recommendations made by the Committee on the Rights of the Child with regard, in particular, to training of law enforcement personnel; (b) a needs assessment mission to the Philippines in July 1996, which was also based on the recommendations of the Committee on the Rights of the Child, and which focused on a project on the administration of juvenile justice. Other projects of technical assistance such as those elaborated for Guatemala, Madagascar, Mauritius and Morocco, at the request of their respective Governments, deal with a wide range of human rights and are developed taking into account specific recommendations made by human rights treaty bodies. It may be noted, in this regard, that the High Commissioner/Centre for Human Rights is elaborating guidelines which should facilitate the integration of economic, social and cultural rights into its proposed projects of technical assistance.

15. Furthermore, a regional course specifically aimed at training government officials from Latin American States in the reporting obligations and the treaty system was held in Mar del Plato, Argentina, from 4 to 8 November 1996. Participants from 16 States attended the course. A similar training course was organized at the ILO International Training Centre, from 4 to 22 November 1996. The training course was addressed to government officials from States whose reports under the various international human rights instruments were considerably overdue. Participants from 19 States attended the course. This course was the third of its kind organized at the Training Centre.

F. Dissemination of basic documentation of human rights treaty bodies (para. 16 of resolution 1996/22)

16. The Commission on Human Rights requested the High Commissioner for Human Rights to endeavour to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, continue to be made available in the United Nations information centres in the countries submitting those reports. A procedure has been put in place in cooperation with the Department of Public Information to ensure that documents relating to the consideration by human rights treaty bodies of State party reports are made available in the United Nations information centres in the countries concerned. In addition, those documents are being made available on the website of the High Commissioner/Centre for Human Rights on the Internet (WWW.UNHCHR.CH).

G. Consultations of the United Nations High Commissioner for Human Rights with human rights treaty bodies (para. 18 of resolution 1996/22)

17. The Commission on Human Rights invited the High Commissioner to consult the human rights treaty bodies with regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights.

18. The High Commissioner regularly informs the human rights treaty bodies about national, regional and subregional workshops, training courses and seminars organized by the High Commissioner/Centre for Human Rights for interested government officials on the implementation of international human rights instruments. Treaty body experts are usually invited to participate in those events as resource persons. Additionally, the High Commissioner invites regional intergovernmental organizations to be represented at the meeting of persons chairing the human rights treaty bodies.

19. At present, the secretariat of the European Commission on Human Rights provides the High Commissioner/Centre for Human Rights regularly with information on its case law. In addition, the databases of the European Commission on Human Rights, the European Court of Human Rights and the Committee of Ministers of the Council of Europe are accessible to the High Commissioner/Centre for Human Rights on a trial basis.

H. Coordination and consultation by the United Nations High Commissioner for Human Rights on measures that may be taken by human rights treaty bodies in response to situations of massive human rights violations (para. 21 of resolution 1996/22)

20. The Commission on Human Rights requested the High Commissioner to coordinate and consult throughout the United Nations system in regard to measures that may be taken by human rights treaty bodies in response to situations of massive human rights violations.

21. It may be recalled that the question of measures that treaty bodies may take in response to situations of massive human rights violations and the coordination of action with other United Nations organs and bodies in that regard was at the heart of a meeting between the Secretary-General and the persons chairing human rights treaty bodies which was held at United Nations Headquarters on 19 June 1995 with the participation of the High Commissioner.

22. At their 6th meeting, in September 1995, the chairpersons recommended that treaty bodies increasingly consult United Nations organs and bodies, including special rapporteurs of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, exchange information and utilize existing expertise in order to detect and respond appropriately to situations of massive violations of human rights.

23. Those recommendations were brought to the attention of the third meeting of special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the Advisory Services Programme in May 1996. In this connection, Ms. Akila Belembaogo, the Chairperson of the 6th meeting of persons chairing human rights treaty bodies, addressed the participants. In turn, Mr. Bacre W. N'diaye, chairperson of the 3rd meeting of special rapporteurs, representatives, experts, and chairpersons of working groups of the special procedures of the Commission on Human Rights and the Advisory Services Programme addressed the chairpersons of the human rights treaty bodies at their 7th meeting in September 1996. It was generally agreed that cooperation between the special procedures system and the treaty bodies should be strengthened in cases that call for the sending of urgent action appeals.